

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application
of
MOLOKAI PUBLIC UTILITIES, INC.
For review and approval of rate
increases; revised rate schedules;
and revised rules.

DOCKET NO. 2009-0048

PUBLIC UTILITIES
COMMISSION

2010 MAY -5 P 2:11 PM

FILED

**INTERVENOR COUNTY OF MAUI'S RESPONSE TO
OBJECTION BY MOLOKAI PUBLIC UTILITIES, INC. AND MOLOKAI
PROPERTIES, INC.'S JOINDER IN OBJECTION**

DECLARATION OF JEANNETTE H. CASTAGNETTI

EXHIBIT 1

CERTIFICATE OF SERVICE

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A Law Corporation
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Honolulu, Hawaii 96813
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DEPARTMENT OF THE CORPORATION
COUNSEL
County of Maui
Brian T. Moto #5421
Jane E. Lovell #7551
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Telephone: (808) 270-7740
Facsimile: (808) 270-7152
Attorneys for County of Maui

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COUNTY OF MAUI, by and through its attorneys, BRIAN T. MOTO, Corporation Counsel, JANE E. LOVELL, Deputy Corporation Counsel, and BRONSTER HOSHIBATA, responds to the objection filed by Molokai Public Utilities, Inc. ("MPU") on May 4, 2010 regarding the County's joinder in West Molokai Association's Motion for Issuance of Subpoenae and Molokai Properties, Ltd.'s joinder in MPU's objection to the County's joinder as follows:

MPU's objection to the timeliness of the County's joinder in West Molokai Association's Motion for Issuance of Subpoenae is without merit. The Commission set two deadlines at the prehearing conference on April 27, 2010: (1) West Molokai Association's motion requesting subpoenas was due on April 29, 2010; (2) responses were due on May 4, 2010. The County timely filed its joinder on May 4, 2010.

Neither the Commission's administrative rules nor the Commission's Prehearing Conference Order issued April 28, 2010 prohibited the County from filing a simple joinder by May 4, 2010. In fact, the Commission rules authorize the timing of the County's joinder. HAR § 6-61-41(d) provides:

A party who does not oppose a motion or who intends to support a motion or who desires a continuance shall notify the commission and the opposing attorneys within five days after being served or, if the hearing on the motion will occur less than five days after the motion is served, within forty-eight hours before the time set for hearing.

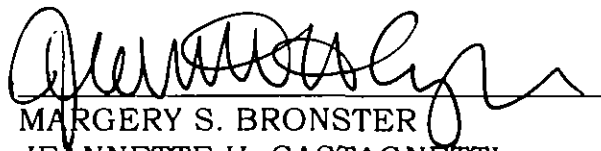
The timing for a party to notify the Commission of whether it joins or supports a motion is the same for a party to notify the Commission of any opposition. *See HAR § 6-61-41(c)* ("An opposing party may serve and file a counter affidavit and a written statement of reasons in opposition to the motion . . . not later than five days after being served the motion. . ."). Since the Commission set the deadline for MPU to oppose West Molokai Association's Motion as May 4, 2010, under the administrative rules, the same deadline would apply for the County to file its joinder.¹

Furthermore, the County filed a simple joinder to West Molokai Association's Motion which did not add any further argument on the matter. MPU is not prejudiced in any way, shape or form by the County's joinder. MPU's objection, as well as MPL's joinder, were simply unnecessary and wasteful of the Commission's time and resources.

¹ The County also notes that in other forums, a joinder of simple agreement may be filed at any time. *See e.g.*, Local Rule 7.9 of the Local Rules of Practice for the United States District Court for the District of Hawaii.

Finally, the County notes that MPU's objection to West Molokai Association's Motion for Issuance of Subpoenae erroneously states that Daniel Orodener did not hold a position with MPU. MPU's Objection at 2. According to records obtained by the County from the Department of Commerce and Consumer Affairs Business Registration Division, Daniel Orodener served as Secretary of MPU during 2006 and 2007. *See Exhibit 1 attached.*

DATED: Honolulu, Hawaii, May 5, 2010.



MARGERY S. BRONSTER
JEANNETTE H. CASTAGNETTI
Bronster Hoshibata

BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
Department of the Corporation Counsel

Attorneys for County of Maui

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DECLARATION OF JEANNETTE H. CASTAGNETTI

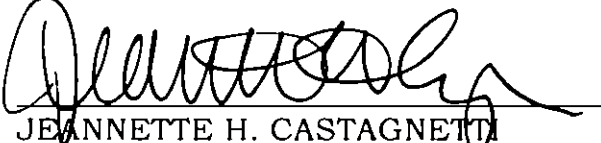
JEANNETTE H. CASTAGNETTI declares as follows:

1. I am an attorney with the law firm Bronster Hoshibata and I am duly licensed to practice in the State of Hawaii. I am one of the attorneys representing the County of Maui in the above-captioned matter and I have personal knowledge of the matters stated herein unless otherwise stated.

2. Attached as Exhibit 1 are true and correct copies of records my office received from the DCCA reflecting that Daniel Orodener was Secretary of Molokai Public Utilities, Inc. from 2006 to 2007.

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.

DATED: Honolulu, Hawaii, May 5, 2010.



JEANNETTE H. CASTAGNETTI

Received Business Registration Division 2007 OCT 17 A 11:07

Department of Commerce and Consumer Affairs, State of Hawaii
STATE OF HAWAII

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
BUSINESS REGISTRATION DIVISION

335 Merchant Street

Mailing Address: Annual Filing, P.O. Box 113600, Honolulu, HI 96811

DOMESTIC PROFIT CORPORATION ANNUAL REPORT AS OF October 1, 2007

CORPORATION NAME AND MAILING ADDRESS

MOLOKAI PUBLIC UTILITIES, INC.
745 FORT STREET STE 600
HONOLULU HI 96813

Principal Office Address

745 FORT STREET STE 600
HONOLULU HI 96813

1. AUTHORIZED SHARES

CLASS	NUMBER
COMMON	1,000

TOTAL NUMBER OF SHARES ISSUED

CLASS	NUMBER
COMMON	1,000

2. Nature of Business

WATER SUPPLY SERVICE

3. Street address of the registered office in Hawaii and the name of the registered agent at that address. After any changes made, the street addresses of its registered office and agent shall be identical.

PETER NICHOLAS
HAWAII TOWER, SUITE 600
745 FORT ST MALL
HONOLULU HI 96813-3800

4. List all officers and directors.

Offices Held	Full Name	Address
T/D/CO	SUGIYAMA, ROY	HAWAII TOWER STE 600, 745 FORT ST MALL, HONOLULU HI 96813-3800
P/D	NICHOLAS, PETER	745 FORT ST STE 600, HONOLULU HI 96813
S	ORODENKER, DANIEL	745 FORT ST STE 600, HONOLULU HI 96813



NO CHANGES

Checking this box means there are no changes reported. The Department will not be held responsible for any changes made to this report.

CERTIFICATION

I certify under the penalties of Section 414-20, Hawaii Revised Statutes, that I have read the above, the information is true and correct, and I am authorized to sign this report.

October 17, 2007

PETER NICHOLAS

PETER NICHOLAS

Date

Signature of authorized officer, attorney-in-fact for an officer, or receiver or trustee (if the corporation is in the hands of a receiver or trustee)

Print Name

FILE NO. 37714 D1

Rev. 7/2007

2007 B17

B22



EXHIBIT

SYL

STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
BUSINESS REGISTRATION DIVISION
335 Merchant Street
Mailing Address: Annual Filing, P.O. Box 113600, Honolulu, HI 96811

DOMESTIC PROFIT CORPORATION ANNUAL REPORT AS OF: October 1, 2006

CORPORATE NAME AND MAILING ADDRESS:

MOLOKAI PUBLIC UTILITIES, INC.
745 FORT STREET STE 600
HONOLULU, HI 96813

If address of principal office differs from the above mailing address, state the address of the principal office.

745 FORT STREET STE 600
HONOLULU, HI 96813

1. AUTHORIZED SHARES		TOTAL NUMBER OF SHARES ISSUED	
CLASS	NUMBER	CLASS	NUMBER
COMMON	1,000	COMMON	1,000

2. NATURE OF BUSINESS:
WATER SUPPLY SERVICE

3. Street address of the registered office in Hawaii and the name of the registered agent at that address. (If any change, line out and print change on the right. See reverse for instructions.) After any changes made, the street addresses of its registered office and agent shall be identical.

PETER NICHOLAS
HAWAII TOWER, SUITE 600
745 FORT ST MALL
HONOLULU, HI 96813-3800

4. OFFICERS/DIRECTORS

Office Held/ Director Code	Name in Full	Address
T/CO/D	SUGIYAMA, ROY	HAWAII TOWER STE 600 745 FORT ST MALL HONOLULU HI 96813-3800 US
✓ D/P	NICHOLAS, PETER	745 FORT STREET SUITE 600, HONOLULU, HI 96813
S	ORODENKER, DANIEL	745 FORT STREET SUITE 600, HONOLULU, HI 96813

☐ NO CHANGES: Do not check this box if changes have been made above. (Checking this box means there are no changes reported. The Department will not be held responsible for any changes made to this report.)

CERTIFICATION

I certify under the penalties of Section 414-20, Hawaii Revised Statutes, that I have read the above, the information is true and correct, and I am authorized to sign this report.

12/07/2006

PETER NICHOLAS

Date

C/SYL Signature

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CERTIFICATE OF SERVICE

Pursuant to Hawaii Administrative Rules § 6-61-21(d), the undersigned certifies that a true and correct copy of the foregoing document was duly served on the following parties on May 5, 2010, at their last known addresses in the manner specified below:

MICHAEL H. LAU, ESQ.
YVONNE Y. IZU, ESQ.
SANDRA L. WILHIDE, ESQ.
Moriwara Lau & Fong
Davies Pacific Center
841 Bishop Street, Suite 400
Honolulu, Hawaii 96813
Attorneys for Applicant
MOLOKAI PUBLIC UTILITIES, INC.

HAND DELIVERY

DEAN NISHINA
Executive Director
Consumer Advocate
Department of Commerce and Consumer Affairs
Division of Consumer Advocacy
335 Merchant Street, Room 326
Honolulu, Hawaii 96813

HAND DELIVERY
(3 copies)

WILLIAM W. MILKS, ESQ.
American Savings Bank Tower
1001 Bishop Street, Suite 977
Honolulu, Hawaii 96813
Attorney for Intervenor
WEST MOLOKAI ASSOCIATION

HAND DELIVERY

JAMES J. BICKERTON, ESQ.
Bickerton Lee Dang & Sullivan
Topa Financial Center, Fort Street Tower
745 Fort Street, Suite 801
Honolulu, Hawaii 96813
Attorney for MOLOKAI PROPERTIES, LTD.

HAND DELIVERY

DATED: Honolulu, Hawaii, May 5, 2010.



MARGERY S. BRONSTER
JEANNETTE H. CASTAGNETTI
Bronster Hoshibata

BRIAN T. MOTO
JANE E. LOVELL
EDWARD S. KUSHI, JR.
Department of the Corporation Counsel

Attorneys for County of Maui